

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

**JOHN J. O'BRIEN,
ELIZABETH V. TAVARES, and
WILLIAM H. BURKE, III,**
Defendants.

No. 4:12-cr-40026-FDS-2

DEFENDANT ELIZABETH TAVARES' MOTION TO SEVER

The defendant, Elizabeth Tavares ("the defendant"), by and through her undersigned attorneys, respectfully moves, pursuant to Fed. R. Crim. P. 14(a), to sever her trial in the above-captioned case from that of co-defendants John J. O'Brien and William H. Burke, III. As grounds, the defendant states that she would be prejudiced by a joint trial and severance is necessary because the introduction of her co-defendants' statements at a joint trial would compromise her Sixth Amendment rights and prevent the jury from reaching a reliable verdict. The defendant further relies upon her Memorandum of Law in Support of Motion for Severance, filed herewith.

WHEREFORE, the defendant respectfully requests this Honorable Court sever her trial from that of her co-defendants.

Dated: November 1, 2013

Respectfully submitted,
ELIZABETH V. TAVARES
By and through her attorneys,

/s/ R. Bradford Bailey

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Certificate of Service

I, R. Bradford Bailey, hereby certify that on this the 1st day of November 2013, I caused a true copy of the foregoing *Defendant Elizabeth Tavares' Motion to Sever* to be served upon all necessary parties to this matter by virtue of electronically filing the same via the CM/ECF system.

/s/ R. Bradford Bailey

R. Bradford Bailey